

AMENDED IN SENATE AUGUST 16, 2016

AMENDED IN ASSEMBLY MAY 31, 2016

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1770

**Introduced by Assembly Member Alejo
(Coauthor: Assembly Member Gonzalez)**

February 3, 2016

An act to amend Section 18930 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1770, as amended, Alejo. Food assistance program: eligibility.

Existing law requires the State Department of Social Services to establish the Food Assistance Program for certain immigrants residing in this state, including, among others, a battered immigrant spouse or a Cuban or Haitian entrant, as described in specified provisions of federal law.

This bill would provide that a noncitizen is eligible for aid under the Food Assistance Program if he or she is lawfully present in the United States. To the extent this bill would expand eligibility for the Food Assistance Program, which is administered by the counties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 18930 of the Welfare and Institutions
2 Code is amended to read:
3 18930. (a) The State Department of Social Services shall
4 establish a Food Assistance Program to provide assistance for
5 those persons described in subdivision (b). The department shall
6 enter into an agreement with the United States Department of
7 Agriculture to use the existing federal Supplemental Nutrition
8 Assistance Program ~~coupons~~ *coupons, to the extent allowed by*
9 *federal law*, for the purposes of administering this program. Persons
10 who are members of a household receiving CalFresh benefits under
11 this chapter or under Chapter 10 (commencing with Section 18900),
12 and are receiving CalWORKs benefits under Chapter 2
13 (commencing with Section 11200) of Part 3 on September 1, 1998,
14 shall have eligibility determined under this chapter without need
15 for a new application no later than November 1, 1998, and the
16 beginning date of assistance under this chapter for those persons
17 shall be September 1, 1998.
18 (b) (1) Except as provided in paragraphs (2), (3), and (4) and
19 Section 18930.5, a noncitizen of the United States is eligible for
20 the program established pursuant to subdivision (a) if the person's
21 immigration status meets the eligibility criteria of the federal
22 Supplemental Nutrition Assistance Program in effect on August
23 21, 1996, but he or she is not eligible for federal Supplemental
24 Nutrition Assistance Program benefits solely due to his or her
25 immigration status under Public Law 104-193 and any subsequent
26 amendments thereto.
27 (2) A noncitizen of the United States is eligible for the program
28 established pursuant to subdivision (a) if the person is a battered
29 immigrant spouse or child or the parent or child of the battered
30 immigrant, as described in Section 1641(c) of Title 8 of the United
31 States Code, as amended by Section 5571 of Public Law 105-33,
32 if the person is a Cuban or Haitian entrant as described in Section
33 501(e) of the federal Refugee Education Assistance Act of 1980

1 (Public Law 96-422), or if the person is otherwise lawfully present
2 in the United States.

3 (3) An applicant who is otherwise eligible for the program but
4 who entered the United States on or after August 22, 1996, shall
5 be eligible for aid under this chapter only if he or she is sponsored
6 and one of the following apply:

7 (A) The sponsor has died.

8 (B) The sponsor is disabled as defined in subparagraph (A) of
9 paragraph (3) of subdivision (b) of Section 11320.3.

10 (C) The applicant, after entry into the United States, is a victim
11 of abuse by the sponsor or the spouse of the sponsor if the spouse
12 is living with the sponsor.

13 (4) An applicant who is otherwise eligible for the program but
14 who entered the United States on or after August 22, 1996, who
15 does not meet one of the conditions of paragraph (3), is eligible
16 for aid under this chapter beginning on October 1, 1999.

17 (5) The applicant shall be required to provide verification that
18 one of the conditions of subparagraph (A), (B), or (C) of paragraph
19 (3) has been met.

20 (6) For purposes of subparagraph (C) of paragraph (3), abuse
21 shall be defined in the same manner as provided in Section 11495.1
22 and Section 11495.12. A sworn statement of abuse by a victim, or
23 the representative of the victim if the victim is not able to
24 competently swear, shall be sufficient to establish abuse if one or
25 more additional items of evidence of abuse is also provided.
26 Additional evidence may include, but is not limited to, the
27 following:

28 (A) Police, government agency, or court records or files.

29 (B) Documentation from a domestic violence program, legal,
30 clinical, medical, or other professional from whom the applicant
31 or recipient has sought assistance in dealing with abuse.

32 (C) A statement from any other individual with knowledge of
33 the circumstances that provided the basis for the claim.

34 (D) Physical evidence of abuse.

35 (7) If the victim cannot provide additional evidence of abuse,
36 then the sworn statement shall be sufficient if the county makes a
37 determination documented in writing in the case file that the
38 applicant is credible.

1 (c) In counties approved for alternate benefit issuance systems,
2 that same alternate benefit issuance system shall be approved for
3 the program established by this chapter.

4 (d) (1) To the extent allowed by federal law, the income,
5 resources, and deductible expenses of those persons described in
6 subdivision (b) shall be excluded when calculating CalFresh
7 benefits under Chapter 10 (commencing with Section 18900).

8 (2) A household shall not receive more CalFresh benefits under
9 this section than it would if no household member was rendered
10 ineligible pursuant to Title IV of Public Law 104-193 and any
11 subsequent amendments thereto.

12 SEC. 2. If the Commission on State Mandates determines that
13 this act contains costs mandated by the state, reimbursement to
14 local agencies and school districts for those costs shall be made
15 pursuant to Part 7 (commencing with Section 17500) of Division
16 4 of Title 2 of the Government Code.